

1 ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
2 MICHAEL J. CARROLL (St. Bar #50246)
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3 San Francisco, CA 94104
Telephone: (415) 392-5431

4 Attorneys for Plaintiff
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8 UNITED STATES DISTRICT COURT
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10 NORTHERN DISTRICT OF CALIFORNIA
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13 BOARD OF TRUSTEES OF THE SAN MATEO)	NO. C 07 3357 JL
HOTEL EMPLOYEES AND RESTAURANT)	
14 EMPLOYEES PENSION TRUST, SHERRI)	DECLARATION OF ATTORNEY
CHIESA, TRUSTEE,)	MICHAEL J. CARROLL IN
)	SUPPORT OF PLAINTIFF'S
15 Plaintiff,)	EX PARTE APPLICATION FOR
)	ORDER TO CONTINUE CASE
16 vs.)	MANAGEMENT CONFERENCE
)	
17 WESTLODGE HOSPITALITY INC., et al.,)	
)	
18 Defendant.)	
19)	

20 I, MICHAEL J. CARROLL, certify:

21 1. I am an attorney with the law firm of Erskine & Tulley,
22 A Professional Corporation, attorneys for plaintiff, BOARD OF TRUSTEES
23 OF THE SAN MATEO HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES PENSION
24 TRUST, SHERRI CHIESA, TRUSTEE, in this action. I am duly admitted to
25 practice law in the United States District Court, Northern District
26 of California. If called as a witness, I could and would competently
27 testify as follows:

28 2. This case was filed in June 2007. A defective service

1 took place on July 12, 2007. No responsive pleading was filed.

2 3. A default was requested but then withdrawn.

3 4. Discussions have taken place with the attorney for
4 Westlodge regarding the proper defendants. Ms. Woodall requested
5 additional documentation, which was provided November 28, 2007. Ms.
6 Woodall has requested time to review the paperwork until mid January
7 2008. We are trading telephone messages.

8 5. Plaintiffs have filed an amended complaint and it is
9 now out for service on three defendants. Service has not yet occurred
10 on two of the defendants.

11 6. It is requested that the Court continue the Case
12 Management Conference until March 19, 2008 so that service can be
13 completed and the response time expire.

14 7. Good cause exists to grant plaintiff's request for a
15 continuance of the Case Management Conference currently set for
16 January 30, 2008 to March 19, 2008 for completion of service on
17 defendants.

18 I declare under penalty of perjury that the foregoing is
19 true and correct to the best of my knowledge.

20 Executed on January 23, 2008 at San Francisco, California.

21 /s/Michael M. Carroll
22 Michael J. Carroll
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PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On January 23, 2008, I served the DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Allison M. Woodall
Hanson Bridgett, Marcus Vlahos Rudy LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on January 23, 2008 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman